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ALEXANDER RUFUS-ISAACS (SBN 135747)  
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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
10

11 Dr. FREDERICK K. C. PRICE, an  
12 individual,

13 Plaintiff,

14 v.  
15

16 JOHN STOSSEL, an individual, GLEN  
RUPPEL, an individual, AMERICAN  
17 BROADCASTING COMPANIES,  
18 INC., a Delaware corporation, OLE  
ANTHONY, an individual, and  
19 TRINITY FOUNDATION, INC., an  
20 entity, form unknown,

21 Defendants.  
22

Case No. CV08-3936 RGK (FFMx)  
[Honorable Frederick F. Mumm]

**PLAINTIFF'S EX PARTE  
APPLICATION FOR AN ORDER  
SHORTENING TIME FOR A  
HEARING ON PLAINTIFF'S  
MOTION TO COMPEL  
DISCOVERY RESPONSES;  
[PROPOSED] ORDER  
(ATTACHMENT 1 HERETO)**

**[Declaration of Alexander Rufus-  
Isaacs submitted concurrently  
herewith]**

Date Filed: December 18, 2007  
Date Transferred: June 12, 2008

Trial Date: None Set

23 I.  
24

**INTRODUCTION AND FACTUAL BACKGROUND**  
25

26 Plaintiff Dr. Frederick K.C. Price ("Plaintiff") hereby requests that the Court grant  
27 Plaintiff's request for an order shortening time for a hearing on Plaintiff's Motion to  
28 Compel discovery responses.

1 On August 28, 2008, Plaintiff emailed his draft of the Joint Stipulation re  
2 Discovery Dispute as required by Local Rule 37-2.2 to the ABC Defendant's counsel for  
3 review. Pursuant to Local Rule 37-2.2, Defendants had five court days to incorporate  
4 their portion of the Joint Stipulation. However, Plaintiff did not receive Defendants'  
5 portion of the Joint Stipulation until September 12, 2008. Thus, the Joint Stipulation re  
6 Discovery Dispute was not filed until September 15, 2008, making October 7, 2008 the  
7 earliest possible date to set a regularly noticed Motion before the Honorable Frederick F.  
8 Mumm.

9 However, pursuant to the August 11, 2008 Order of the Honorable R. Gary  
10 Klausner, Defendants John Stossel, Glenn Ruppel, American Broadcasting Companies,  
11 Inc., Ole Anthony and Trinity Foundation, Inc. ("Defendants") have until September 22,  
12 2008 to file their Anti-SLAPP Motion. It is Plaintiff's understanding that Defendants'  
13 counsel is intending to set the hearing on their anti-SLAPP motion for October 27, 2008.  
14 Based on the parties' stipulation, Plaintiff has 21 days prior to the hearing to oppose  
15 Defendants' anti-SLAPP motion, which opposition would be due on or before October 6,  
16 2008, i.e., one day prior to this Court's hearing on the discovery dispute. Therefore,  
17 Plaintiff seeks a hearing date for his Motion to Compel certain discovery before October  
18 6, 2008, the date the opposition is due.

19 The status conference is scheduled for September 15, 2008. On September 12,  
20 2008, counsel for Plaintiff notified counsel for Defendants of the instant ex parte  
21 application. This ex parte application is based upon the Notice of Motion, the Joint  
22 Stipulation re Discovery Dispute and the Declaration of Alexander Rufus-Isaacs filed  
23 concurrently herewith.

## 24 II.

### 25 **THE COURT SHOULD GRANT THIS EX PARTE APPLICATION**

26 The court should grant an order shortening time for hearing before the Magistrate  
27 regarding the Plaintiff's Motion to Compel Discovery Responses. Plaintiff's discovery  
28 dispute seeks to compel discovery of information necessary to prepare Plaintiff's

1 opposition to Defendants' anti-SLAPP motion which is due on or before October 6,  
2 2008.

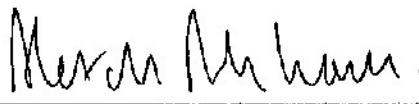
3 **CONCLUSION**

4 For the foregoing reasons, Plaintiff respectfully requests that the Court grant his  
5 request for an order shortening time for a hearing on the Motion to Compel Discovery.

6  
7 DATED: September 15, 2008

GLASSMAN, BROWNING, SALTSMAN &  
JACOBS, INC.

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9  
10 By:



11 ANTHONY MICHAEL GLASSMAN  
12 ALEXANDER RUFUS-ISAACS  
13 RICHELLE L. KEMLER  
14 Attorneys for Plaintiff  
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